

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RAYMOND JAMES & ASSOCIATES,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 18-cv-2104-JTF-tmp
)	
50 NORTH FRONT ST., TN, LLC,)	
)	
)	
Defendant.)	

ORDER DENYING DEFENDANT'S MOTION TO STAY DISCOVERY

Before the court by order of reference is defendant 50 North Front St. TN, LLC's ("50 North") Motion to Stay Discovery. (ECF Nos. 204; 221.) Plaintiff Raymond James & Associates, Inc. ("Raymond James") has responded in opposition, and 50 North has replied. (ECF Nos. 214; 224.) The court held a hearing on June 25, 2019. As the court ruled at the hearing, and for the following reasons, the motion is DENIED.

In the present motion, 50 North asks for a stay of discovery until the court rules on the pending motion to dismiss. (ECF No. 204-1.) It is well settled that a court has discretion to stay discovery pending determination of dispositive motions. See Nichols v. Baptist Memorial Hosp., No. 02-2561, 2004 WL 2905406, at *2 (W.D. Tenn. April 2, 2004)(citing cases). In deciding whether a stay of discovery is

appropriate when dispositive motions are pending, the court should consider, among other factors, whether the pending motion will dispose of the entire case, whether discovery is necessary to gather facts in order to defend against a dispositive motion, and whether the party seeking the discovery will be prejudiced by the delay. Id. at *2 (citing cases); see also Bickerstaff v. Cuyahoga Cty., No. 1:18-cv-1142, 2019 WL 1518163, at *1 (N.D. Ohio Apr. 8, 2019) (“[D]istrict courts generally ‘weigh[] the burden of proceeding with discovery upon the party from whom discovery is sought against the hardship which would be worked by a denial of discovery.’” (quoting Ray v. Dir., Ohio Dep’t of Health, No. 2:18-cv-272, 2018 WL 4907080, at *2 (S.D. Ohio Oct. 10, 2018))). This case was originally filed in February 2018. Since then, the case has been delayed due to 50 North retaining new counsel (ECF No. 117), the parties have encountered numerous difficulties in obtaining discovery, the District Judge has previously denied 50 North’s request to stay discovery (ECF No. 153), and the scheduling order has been amended three times (ECF Nos. 33; 105; 163; 236). A stay of discovery will unnecessarily delay this case from reaching its ultimate resolution, resulting in prejudice to Raymond James. Accordingly, the court will not stay discovery pending the resolution of 50 North’s Motion to Dismiss.

For these reasons, 50 North’s motion is DENIED.

IT IS SO ORDERED.

s/ Tu M. Pham
TU M. PHAM
United States Magistrate Judge

June 25, 2019
Date